

## NOTICE OF PUBLIC HEARING

The Madison County Board of Supervisors and the Madison County Planning Commission will hold a joint public hearing on January 2, 2019 at 7:00 p.m., or as soon thereafter as hearings for the regular agenda are complete, in the auditorium of the Madison County Administration Center, 414 North Main Street, Madison, Virginia, to receive public comment and consider adoption of the following Ordinances:

1. Ordinance to Amend Madison County Zoning Ordinance Article 14, General Provisions, Section 4: Standards for issuance of special use permits.
2. Ordinance to Amend Madison County Zoning Ordinance Article 20, Definitions, Section 203A: Use, Seasonal or Brief.
3. Ordinance to Amend the Madison County Zoning Ordinance to add Article 14, Section 16: Residential Solar Energy Systems.
4. Ordinance to Amend the Madison County Zoning Ordinance to add Article 14, Section 17: Residential/Business Solar Energy Systems.
5. Ordinance to Amend the Madison County Zoning Ordinance to add Article 3, (Conservation C-1), Section 1, Paragraph 21: Residential/Business Solar Energy Systems. (See Article 14, Section 17.)
6. Ordinance to Amend the Madison County Zoning Ordinance to add Article 8, (Business B-1), Section 1, Paragraph 7: Residential/Business Solar Energy Systems. (See Article 14, Section 17.)

The public is invited to attend the joint public hearing and comment on the aforesaid Ordinances. Copies of the proposed Ordinances are on file in the offices of the Madison County Board of Supervisors, 302 Thrift Road, Madison, Virginia 22727 and the Madison County Zoning Administrator, 414 North Main Street, Madison, Virginia 22727, where they may be inspected on Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sean D. Gregg  
Madison County Attorney

Publish: Thursday, December 13, 2018  
Thursday, December 20, 2018  
Thursday, December 27, 2018



ENACTED this \_\_\_\_ day of \_\_\_\_\_, 2018.

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R. Clay Jackson, Chair  
Madison County Board of Supervisors

	Aye	Nay	Abstain	Absent
R. Clay Jackson	_____	_____	_____	_____
Jonathon Weakley	_____	_____	_____	_____
Kevin McGhee	_____	_____	_____	_____
Charlotte Hoffman	_____	_____	_____	_____
Amber Foster	_____	_____	_____	_____

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Jack Hobbs  
Madison County Administrator

**ORDINANCE TO AMEND THE MADISON COUNTY  
ZONING ORDINANCE**

**ORDINANCE #2019 - \_\_\_\_\_**



WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on February 7, 2018;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia that the Zoning Ordinance of Madison County, Virginia, be, and it hereby is, amended as follows:

**Amend Article 14, General Provisions, Section 4: Standards for issuance of special use permits:**

**14-4 Standards for issuance of special use permits:**

Special Use Permits shall be issued by the Board of Supervisors after recommendation from the Planning Commission. Special Use Permits shall comply with terms, purpose and intent of this ordinance, in the districts in which such permits are permitted. Special Use Permits may be issued for uses that are in harmony with the purpose and intent of the Madison County Zoning Ordinance. The Commission may attach conditions to such permits. *A Special Use Permit shall not be required for any brief activity(ies) in a given Zoning District that is/are (1) consistent with the "of right" or "special use" activities permitted in that District, and (2) conducted for no more than a cumulative fifteen (15) days in any calendar year.*

The aforesaid shall be effective upon enactment.

ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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R. Clay Jackson, Chair  
Madison County Board of Supervisors

	Aye	Nay	Abstain	Absent
R. Clay Jackson	_____	_____	_____	_____
Jonathon Weakley	_____	_____	_____	_____
Kevin McGhee	_____	_____	_____	_____
Charlotte Hoffman	_____	_____	_____	_____
Amber Foster	_____	_____	_____	_____

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Jack Hobbs  
Madison County Administrator

**ORDINANCE TO AMEND THE MADISON COUNTY  
ZONING ORDINANCE**



**ORDINANCE #2019 - \_\_\_\_\_**

WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on February 7, 2018;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia that the Zoning Ordinance of Madison County, Virginia, be, and it hereby is, amended as follows:

**Delete Article 20, Definitions, Section 203A: Use, Seasonal or Brief, in its entirety:**

~~**20-203A Use, Seasonal or Brief:**~~

~~*A use or activity that occurs for a brief time, or that occurs at a seasonal time, and then ceases, including, but not limited to, private auctions, land sales, yard sales, tent events and horse shows. Such uses shall not exceed seventeen (17) cumulative days of use per calendar month. Seasonal or brief uses and activities are uses permitted by right in all zoning districts.*~~

The aforesaid shall be effective upon enactment.

ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
R. Clay Jackson, Chair  
Madison County Board of Supervisors

	Aye	Nay	Abstain	Absent
R. Clay Jackson	_____	_____	_____	_____
Jonathon Weakley	_____	_____	_____	_____
Kevin McGhee	_____	_____	_____	_____
Charlotte Hoffman	_____	_____	_____	_____
Amber Foster	_____	_____	_____	_____

\_\_\_\_\_  
Jack Hobbs  
Madison County Administrator

**ORDINANCE TO AMEND THE MADISON COUNTY  
ZONING ORDINANCE**



**ORDINANCE #2019 - \_\_\_\_\_**

WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on February 7, 2018;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia that the Zoning Ordinance of Madison County, Virginia, be, and it hereby is, amended as follows:

**Add Article 14, Section 16: Residential Solar Energy Systems**

**14-16.1 Purpose and intent**

The purpose of this ordinance is to provide for the development, siting, and decommissioning of residential and/or business solar energy systems in the County of Madison, Virginia, subject to reasonable conditions that promote and protect the public health, safety and welfare of the community, while promoting development of renewable energy resources. Anyone wishing to install a solar energy system may wish to consider the need for a solar easement (See 14-16.6) to ensure the system has access to direct sunlight in the future.

**14-16.2 Applicability**

The requirements set forth in this division shall govern the use and siting of residential and/or business solar energy systems used to generate electricity or perform work which may be connected to a utility grid pursuant to the net metering law set forth in Virginia Administrative Code Section 20 VAC 5-315 or serve as an independent source of energy, or serve in a hybrid system. A building and/or electrical permit must be issued before construction may begin.

**14-16.3 Siting Requirements**

The requirements for siting and construction of a solar energy system in the County of Madison, Virginia, shall include the following:

1. Solar energy systems, as described in this ordinance, are permitted by right in all zoning districts as an accessory use, with restriction to roof-mounted systems in zones R2 and R3..
2. A solar energy system shall provide power for the principal use and/or accessory use of the property on which the solar energy system is located and shall not be for the generation of power for resale/sale.
3. The installation and construction of a *roof-mounted energy system* shall be subject to the following development and design standards and is required in R2 and R3 zoning:
  - a. A roof or building mounted solar energy system may be mounted on a principal or accessory building.
  - b. Placement of solar panels shall not extend horizontally past the roofline or exceed 8 feet above the roof.
4. The installation and construction of a *ground-mount or pole-mount energy system* shall be subject to the following development and design standards:
  - a. The height of the solar collector and any mounts shall not exceed 20 feet when oriented at maximum tilt.
  - b. The minimum solar energy system setback distance from the property lines shall be equivalent to the building setback or accessory building setback requirement of the underlying zoning district.
  - c. Ground mounted solar energy systems shall not be located in a septic system drain field or in the reserve drain field area shown on the property plat.
5. All electrical equipment associated with and necessary for the operation of solar energy systems shall comply with the setbacks specified for accessory structures in the zoning district.
6. Solar panels are designed to absorb (not reflect) sunlight; therefore panels are generally less reflective than other varnished or glass exterior housing. However, solar panel placement should attempt to minimize or negate any solar glare onto nearby properties or roadways.
7. A solar energy system shall not be used to display advertising of any type, including banners, streamers, or reflectors.



8. A solar-energy system shall not be constructed until a building and/or electrical permit has been obtained.

#### 14-16.4 Federal and State Requirements

1. The design of the solar energy system shall conform to applicable state and national solar codes and standards. A building and/or electrical permit reviewed by the Building Official shall be obtained. All design and installation work shall comply with all applicable provisions in the National Electric Code (NEC), Virginia Residential Code (VARES), Virginia Construction Building Code, Virginia Statewide Fire Prevention Code, and Virginia Uniform Statewide Building Code.
2. The solar energy system shall comply with all local codes so as to ensure the structural integrity of the system.
3. Prior to operation, electrical connections must be inspected by the building official.
4. Any connection to the public grid must be approved by the appropriate public utility.
5. A solar energy system connected to a utility grid must comply with the Virginia Administrative Code 20 VAC 5-315: Regulations Governing Energy Net Metering.

#### 14-16.5 Abandonment/Decommissioning of All Solar Energy Systems

1. If a solar energy system is abandoned or decommissioned, the owner of the system should notify the respective power company. This enables the power company to remove the solar energy system from its system.
2. If a solar system has been determined to be unsafe by the building official, the system shall be required to be repaired by the owner or other responsible party to meet federal, state, and local safety standards, or to be removed by the owner or other responsible party.
3. Solar panels contain dangerous chemicals, which, if not disposed of properly, could result in damage to the environment. Consequently, the owner should take precautions to dispose of solar panels in a safe manner.

#### 14-16.6 Definitions

**Residential and/or Business Solar Energy System:** The components and subsystems required to convert solar energy into electric energy suitable for use, all the land inside the perimeter of the system. The term applies, but is not limited to solar photovoltaic systems, solar thermal systems, and solar hot water systems. A residential and/or business solar energy system may be part of a hybrid energy

system that uses more than one technology to produce energy (for example, a wind-solar system).

**Photovoltaic:** Refers to technology which uses a device, typically a solar panel to convert light into electricity.

**Solar Array:** A group of multiple solar panels connected together to provide a single electrical output.

**Solar Energy:** Energy from the sun that is converted into thermal or electrical energy.

**Solar Panels:** A structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy by way of a solar energy system.

**Solar Collector:** A solar PV cell, panel, or array, or solar thermal collector device, that relies on solar radiation as an energy source for the generation of electricity or transfer of stored heat.

**Ground-Mount System:** A solar energy system that is directly installed on specialized solar racking systems, which are attached to an anchor in the ground and wired to connect to the adjacent home or building.

**Roof-Mount System (Rooftop Mounted):** A solar energy system consisting of solar panels directly installed on the roof of a home or building. Roof-mount systems may be mounted flush with the roof or tilted toward the sun at an angle.

**Pole-Mount System:** A solar energy system that is directly installed on specialized solar racking systems, which are attached to a pole, anchored and firmly affixed to a concrete foundation in the ground, and wired underground to an attachment point at the building's meter. Unlike ground-mount systems, pole-mount systems are elevated from the ground. Pole-mounted systems can be designed to track the sun (with single-axis or dual-axis tracking motors) and maximize solar output throughout the year.

**Accessory Use:** See Definitions, Section 20-3.

**Net Meter:** A device provided and installed by the local utility, to measure the flow of electricity from the solar system for the purpose of net-metering.

**Net Metering:** A billing arrangement that allows customers with grid-connected solar electricity systems to receive credit for any excess electricity generated onsite and provided to the utility grid.

**Solar Easement:** A legal arrangement entered into with adjoining property owner(s) to protect or guarantee future access to direct sun light for the purpose to generating solar energy. A solar easement is created for the purpose of protecting the dominant land's exposure to direct sunlight. Such an easement prevents the servient landowner from constructing any building or other structure which would obstruct the dominant sunlight to a solar energy system.

The aforesaid shall be effective upon enactment.

ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
R. Clay Jackson, Chair  
Madison County Board of Supervisors

	Aye	Nay	Abstain	Absent
R. Clay Jackson	_____	_____	_____	_____
Jonathon Weakley	_____	_____	_____	_____
Kevin McGhee	_____	_____	_____	_____
Charlotte Hoffman	_____	_____	_____	_____
Amber Foster	_____	_____	_____	_____

\_\_\_\_\_  
Jack Hobbs  
Madison County Administrator

**ORDINANCE TO AMEND THE MADISON COUNTY  
ZONING ORDINANCE**

**ORDINANCE #2019 - \_\_\_\_\_**



WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on February 7, 2018;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia that the Zoning Ordinance of Madison County, Virginia, be, and it hereby is, amended as follows:

**Add Article 14, Section 17: Residential/Business Solar Energy Systems**

**14-17.1 Purpose and intent**

The purpose of this ordinance is to provide for the development, siting, and decommissioning of residential and/or business solar energy systems in the County of Madison, Virginia, subject to reasonable conditions that promote and protect the public health, safety and welfare of the community, while promoting development of renewable energy resources. Anyone wishing to install a solar energy system may wish to consider the need for a solar easement to ensure the system has access to direct sunlight in the future.

**14-17.2 Applicability**

The requirements set forth in this division shall govern the use and siting of residential and/or business solar energy systems used to generate electricity or perform work which may be connected to a utility grid pursuant to the net metering law set forth in Virginia Code Section 56-594 (1950, as amended), or serve as an independent source of energy, or serve in a hybrid system. A building permit must be issued before construction may begin.

**14-17.3 Siting Requirements**

The requirements for siting and construction of a solar energy system in the County of Madison, Virginia, shall include the following:

1. Solar energy systems, as described in this ordinance, are permitted in A-1, B-1, and C-1 districts as an accessory use.
2. A solar energy system shall provide power for the principal use and/or accessory use of the property on which the solar energy system is located and shall not be for the generation of power for commercial purposes.
3. The installation and construction of a *roof-mounted energy system* shall be subject to the following development and design standards:
  - a. A roof or building mounted solar energy system may be mounted on a principal or accessory building.
  - b. Placement of solar collectors on flat roofs shall be allowed by right provided that panels do not extend horizontally past the roofline or exceed 8 feet above the roof.
4. The installation and construction of a *ground-mount or pole-mount energy system* shall be subject to the following development and design standards:
  - a. The height of the solar collector and any mounts shall not exceed 20 feet when oriented at maximum tilt.
  - b. The surface area of a ground- or pole-mounted system shall be calculated as part of the overall lot coverage.
  - c. The minimum solar energy system setback distance from the property lines shall be equivalent to the building setback or accessory building setback requirement of the underlying zoning district.
  - d. All power transmission lines from a ground mounted solar energy system to any building or other structure shall be in accordance with building code.
  - e. Ground mounted solar energy systems shall not be located in a septic system drain field or in the reserve drain field area shown on the property plat.
5. All electrical equipment associated with and necessary for the operation of solar energy systems shall comply with the setbacks specified for accessory structures in the zoning district.
6. Solar panels are designed to absorb (not reflect) sunlight; therefore panels are generally less reflective than other varnished or glass exterior housing.

However, solar panel placement should attempt to minimize or negate any solar glare onto nearby properties or roadways.

7. A solar energy system shall not be used to display advertising of any type, including banners, streamers, or reflectors.
8. A solar-energy system shall not be constructed until a building/zoning permit has been approved and issued.

#### 14-17.4 Safety and Inspections

1. The design of the solar energy system shall conform to applicable state and national solar codes and standards. A building permit reviewed by department staff shall be obtained. All design and installation work shall comply with all applicable provisions in the National Electric Code (NEC), the International Residential Code (IRC), International Commercial Building Code, State Fire Code, and Uniform Statewide Building Code.
2. The solar energy system shall comply with all local codes so as to ensure the structural integrity of the system.
3. Prior to operation, electrical connections must be inspected by the building official.
4. Any connection to the public grid must be approved by the appropriate public utility.
5. A solar energy system connected to a utility grid must comply with the Virginia Administrative Code 20 VAC 5-315: Regulations Governing Energy Net Metering.
6. Unless otherwise specified through a contract or agreement, the property owner of record will be the responsible party for owning and maintaining of the solar energy system.

#### 14-17.5 Abandonment/Decommissioning and Removal for All Solar Energy Systems

1. If a solar energy system is abandoned or decommissioned, the owner of the system should notify the respective power company. This enables the power company to remove the solar energy system from its system.
2. If a solar system has been determined to be unsafe by the building official, the system shall be required to be repaired by the owner or other responsible party to meet federal, state, and local safety standards, or to be removed by the owner or other responsible party.

3. Solar panels contain dangerous chemicals, which, if not disposed of properly, could result in damage to the environment. Consequently, the owner should take precautions to dispose of solar panels in a safe manner.

#### 14-17.6 Definitions

**Residential and/or Business Solar Energy System:** The components and subsystems required to convert solar energy into electric energy suitable for use, all the land inside the perimeter of the system. The term applies, but is not limited to solar photovoltaic systems, solar thermal systems, and solar hot water systems. A residential and/or business solar energy system may be part of a hybrid energy system that uses more than one technology to produce energy (for example, a wind-solar system).

**Photovoltaic:** Refers to technology which uses a device, typically a solar panel to convert light into electricity.

**Solar Array:** A group of multiple solar panels connected together to provide a single electrical output.

**Solar Energy:** Energy from the sun that is converted into thermal or electrical energy.

**Solar Panels:** A structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy by way of a solar energy system.

**Ground-Mount System:** A solar energy system that is directly installed on specialized solar racking systems, which are attached to an anchor in the ground and wired to connect to the adjacent home or building.

**Pole-Mount System:** A solar energy system that is directly installed on specialized solar racking systems, which are attached to a pole, anchored and firmly affixed to a concrete foundation in the ground, and wired underground to an attachment point at the building's meter. Unlike ground-mount systems, pole-mount systems are elevated from the ground. Pole-mounted systems can be designed to track the sun (with single-axis or dual-axis tracking motors) and maximize solar output throughout the year.

**Roof-Mount System (Rooftop Mounted):** A solar energy system consisting of solar panels directly installed on the roof of a home or building. Roof-mount systems may be mounted flush with the roof or tilted toward the sun at an angle.

**Passive Solar:** Techniques, designs, and materials designed to take advantage of the sun's position throughout the year.

**Accessory Use:** See Definitions, Section 20-3.

**Net Meter:** On-grid solar photovoltaic systems connected to the utility grid use a net meter, typically provided and installed by the local utility, to measure the flow of electricity from the solar system for the purpose of net-metering.

**Solar Easement:** A legal arrangement entered into with adjoining property owner(s) to protect or guarantee future access to direct sun light for the purpose to generating solar energy. A solar easement is created for the purpose of protecting the dominant land’s exposure to direct sunlight. Such an easement prevents the servient landowner from constructing any building or other structure which would obstruct the dominant sunlight to a solar energy system.

The aforesaid shall be effective upon enactment.

ENACTED this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
R. Clay Jackson, Chair  
Madison County Board of Supervisors

	Aye	Nay	Abstain	Absent
R. Clay Jackson	_____	_____	_____	_____
Jonathon Weakley	_____	_____	_____	_____
Kevin McGhee	_____	_____	_____	_____
Charlotte Hoffman	_____	_____	_____	_____
Amber Foster	_____	_____	_____	_____

\_\_\_\_\_  
Jack Hobbs  
Madison County Administrator



**ORDINANCE TO AMEND THE MADISON COUNTY  
ZONING ORDINANCE**

**ORDINANCE #2019 - \_\_\_\_\_**



WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on February 7, 2018;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia that the Zoning Ordinance of Madison County, Virginia, be, and it hereby is, amended as follows:

**Amend Article 3, (Conservation C-1), Section 1, to add the following:**

**Paragraph 21: Residential/Business Solar Energy Systems:**

Incorporate by reference the definition of Residential/Business Solar Energy Systems set forth in Article 14, Section 17.

The aforesaid shall be effective upon enactment.

ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
R. Clay Jackson, Chair  
Madison County Board of Supervisors

	Aye	Nay	Abstain	Absent
R. Clay Jackson	_____	_____	_____	_____
Jonathon Weakley	_____	_____	_____	_____
Kevin McGhee	_____	_____	_____	_____
Charlotte Hoffman	_____	_____	_____	_____
Amber Foster	_____	_____	_____	_____

\_\_\_\_\_  
Jack Hobbs  
Madison County Administrator

**ORDINANCE TO AMEND THE MADISON COUNTY  
ZONING ORDINANCE**

**ORDINANCE #2019 - \_\_\_\_\_**



WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on February 7, 2018;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia that the Zoning Ordinance of Madison County, Virginia, be, and it hereby is, amended as follows:

**Amend Article 8, (Business B-1), Section 1, to add the following:**

Paragraph 7: Residential/Business Solar Energy Systems.

Incorporate by reference the definition of Residential/Business Solar Energy Systems set forth in Article 14, Section 17.

The aforesaid shall be effective upon enactment.

ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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R. Clay Jackson, Chair  
Madison County Board of Supervisors

	Aye	Nay	Abstain	Absent
R. Clay Jackson	_____	_____	_____	_____
Jonathon Weakley	_____	_____	_____	_____
Kevin McGhee	_____	_____	_____	_____
Charlotte Hoffman	_____	_____	_____	_____
Amber Foster	_____	_____	_____	_____

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Jack Hobbs  
Madison County Administrator